

**City Council of the Mayor and Council of New Castle**  
**Regular City Council Meeting at Town Hall**  
**201 Delaware Street – New Castle**  
**Tuesday – January 10, 2012 – 7 p.m.**

**Present:**

Council President William Barthel  
Councilperson John Cochran  
Councilperson John Gaworski  
Councilperson Ted Megginson  
Councilperson Teel Petty

**Also present:** Mayor Donald Reese, City Administrator Cathryn Thomas, Police Chief Kevin McDerby, City Solicitor Daniel Losco

**Approval of Minutes by Date**

A motion was made by Councilperson Gaworski to approve the minutes of December 13, 2011. Councilperson Megginson seconded the motion. The minutes were approved unanimously.

**Approval of Treasurer's Report**

Administrator Thomas presented the report for Treasurer Carlin. She reported that, as of December 31, 2011: petty cash on hand was \$1,100; total monthly deposit, \$240,022.65; in DELGIP 1, \$445,000; total transferred, \$29,832.59; total in the cash accounts, \$618,681.23; total certificates of deposit, money market and Delaware Government Investment Pool, \$2,159,490.97; total checking and savings account, \$618,681.23; and total cash on hand, \$2,778,172.20.

A motion was made by Councilperson Cochran to approve the Treasurer's Report. Councilperson Gaworski seconded the motion. The report was approved unanimously.

**Report from the City Administrator**

Administrator Thomas added to her written report that the City is close to having a draft proposal of charter changes. Council will be looking at it during a workshop meeting on Tuesday, January 24, 2012. The public is invited to attend.

President Barthel said the report was accepted as presented.

**Staff reports**

Chief McDerby reported the sad news on the recent death of retired Chief John Cini.

President Barthel said the staff reports were accepted as presented.

**Grant Review**

Councilperson Cochran provided the review. Grant income: SALLE grant, \$3,089.55; EIDE grant, \$4,656.72; MSC appropriation, \$125,000.

## **Business from the Floor**

Jack Klingmeyer, of West 13th Street, spoke regarding the riverfront proposal. He said little factual information has been provided. The more he hears about it the less he thinks it will benefit the City. He said the recent public presentation was one-sided and few numbers presented. He said the public was limited to asking a few questions. He would like actual dollars and cents attached to the proposal.

Michael Heyman, East 2nd Street, read an essay on democracy. He said the Town Hall building is a symbol of participatory democracy. He said the debate over the dock should have been conducted in a way that both sides could present their arguments. By skewing the presentations to favor the Alliance, the Council President neglected his duty. He said every meeting was slanted toward what the Alliance wanted. Opponents were not given equal time to present their ideas. Citizens are getting tired of being told what is in their best interest. At the last workshop, out-of-towners were brought in to do that. He said former mayor Klingmyer, an opponent of the project, was given three minutes.

David Bird, chairman of the Planning Commission and resident of Harmony Street, said the proposal has been vetted a number of times before meetings of City Council and the Planning Commission. There was a workshop at the request of City Council and presentations made. He said anyone that wanted to make a presentation at that workshop was welcome to make it. The proposal also has been vetted in the weekly newspaper. One proposal by Mr. Beale dealt with looking at the old dock and seeing if it could be re-engineered. That will be done during the design study to see if the cost is feasible. The whole proposal is a concept plan to go forward to seek funding.

Mr. Beale, of 26 The Strand, said his concern is the people who oppose the new dock have not had the opportunity to voice their concern and back it up with facts. The outlying districts of the community, which makes up most of the voters, are not really aware of what is going on. There may be a lot of apathy. He asked what is the benefit to the citizens of New Castle both to those who live in the outlying districts and the historic district of the dock?

President Barthel said a lot of that is yet to be seen. What Council is talking about is a study. The Comprehensive Plan talks about a study to determine if this, down the road, would be something beneficial to the City. A lot of things have to be answered after the study is completed. There are a lot of questions, such as how is it going to be paid for, will the City have to raise taxes. They are asking for a study to look at it.

Sally Denton, of East 2nd Street, said it would be sad for the City to miss an opportunity to see if the City can even go forward. She said it may not be there but let us see if it is there. She added that regardless of how the vote goes at the meeting it will not influence the support that has been given to Council in the past. When two years come up, she said they will continue to work for all of the members for Council. She believes there has been some undertone that they won't support Council. A lot of people worked hard to keep Council.

Mr. Klingmeyer said Mr. Bird is a member of the Alliance and opponents were never notified they had an opportunity to talk. He said he supports the Alliance but disagrees on this. He said

they were never given an opportunity to talk and residents were not allowed to ask the presenters questions.

President Barthel said Mr. Klingmeyer was wrong. After the presentations were done people were allowed to ask questions, which Mr. Klingmeyer did.

Mr. Klingmeyer said there are questions about how it will benefit New Castle.

President Barthel asked Mr. Klingmeyer if he was aware where the study derives from—the Comprehensive Plan from 2009.

Mr. Klingmeyer acknowledged he signed the Comprehensive Plan when he was Mayor. He said it talked about riverfront development.

President Barthel said the Comprehensive Plan talks about a riverfront study. The City is studying it. He said Mr. Klingmeyer had an opportunity, he believes he was for it back then or he would have vetoed the ordinance or written something on it. He said Mr. Klingmeyer is throwing gas on the fire for whatever reason. He asked why Mr. Klingmeyer does not tell the people he voted for it, he was for it.

Mr. Klingmeyer said the plan talked about a general riverfront development concept. It didn't talk about a pier. Riverfront development would mean something for the people of New Castle. If this is riverfront development it is a poor choice.

Gail Seitz, of 55 The Strand, said she moved to the City nine years ago from a residential community in Hockessin. The three main reasons she moved to New Castle were 1) she wanted to live in a small city with a commercial district and amenities she could walk and have easy access to; 2) the attraction of the river; and 3) the appreciation of all the cultural and historical assets of the City. She believes the City has a tremendous natural asset in the Delaware River. She asked Council to allow the study needed for the next phase to go forward—the waterfront study and the refinement, along with parking study are the only way to answer the questions on residents' minds. It is very early in the planning process and the request is not for any funding. She said she feels she needs to defend her involvement with the Historic New Castle Alliance and contributing her time. She said she believes citizens, local government, businesses, community organizations should be working together to promote our City. She said the reason the workshop was put together was because City Council requested more information. They had not seen Hick Rowland's soundings, they were not sure if the Kalmar Nyckel would even want to come here, etc. She cited a quote she got from Diane Laird, from the Delaware Economic Development Office, who spoke at the workshop: "The market will determine the mix of businesses if the town does not enact measures to pull the right population as customers. Current residents made an investment in the town that has a downtown business core. Generally businesses cannot be supported only by its community members. If businesses fail for lack of sufficient customer base, businesses leave and buildings become vacant, and then inappropriate businesses that can afford the rent may locate here."

Karen Hurley-Heyman, of East Second Street, said she provided Council with photographs of large trucks. She claimed she was brushed off at the last meeting. She said the people who are not supporting the business interests are supporting the City in other ways such as the historic ambiance. She read the letter she submitted to Council: "I hope you will review these photos taken on a Wednesday afternoon at the corner of Delaware Street and East Second Street. The Alliance has continually side-stepped addressing two serious questions posed by the community of residents: First, what will the cost be to taxpayers, and second, what benefit will the "economic development" of Delaware Street bring to local residents? To insult long-standing members of the community by brushing them off by sneeringly remarking that if they are concerned about large trucks that must also mean they are opposed to UPS mail delivery trucks is sophomoric. As these pictures show, already, before the town is turned into a tourist town, existing businesses require goods that are delivered, not by modest sized vehicles but by large big box trucks. I see street repair in our future. When my teen-age grandson who plays football comes to visit, I don't offer him my 18<sup>th</sup> century chair built to hold 90 pounds, to sit in. The Historic Area is fragile and while it can endure foot traffic, I doubt that it can endure many years of commercial size vehicles."

Mayor Don Reese, of 7th Street, pointed out former mayor Klingmeyer appointed the nine members of the Planning Commission. Mayor Reese said he re-appointed three of them because they were doing a fine job. The vote on the Planning Commission was 9-0 in favor of passing the riverfront proposal on to Council. That means the nine people picked by Mr. Klingmeyer voted for the plan. They come from across the breadth of town, including Mr. Bird.

Mr. Heyman said the concept plan Council is voting on already cost \$6,500 taxpayer dollars. How much more is another plan going to cost, and the next stage? He cited minutes of the Planning Commission meeting where Mr. Bird would request \$40,000 over two years for the project and funding for the capital improvement program, with a recommendation they might get grant money in the future. Mr. Heyman asked Council not to put good money on top of the existing plan. He asked that before the City spends any more tax dollars on this that Council holds a non-binding referendum.

Sandy Beale, 26 The Strand, said there are parts of her that feel torn by the arguments. She said each person has their own vision of what make this wonderful City even better. Since she has been in New Castle, she has seen people spending money to fix up their homes and many public buildings fixed up. She works with the New Castle Historical Society and their gardens. She works at outreach and bringing people in. It would be fabulous to have the fort ferries bringing people in. She is big on sharing the history. She is familiar with Kalmar Nyckel and they will be in New Castle for two and one-half weeks out of the year. There is something for everyone in these plans—but at a cost. She echoed what her husband said, it is important that everyone understand what their personal investment is and what they get in return. The Kalmar Nyckel is exquisite, but at what cost? She said she would like to see equal time, money and energy devoted to studying the existing dock with the ice breakers. Saving what we have and make it better would be an example that could be touted in this City.

President Barthel thanked her and said going forward those are the types of things that will come from this particular study.

### **Business from the Mayor**

Mayor Reese said there is an upcoming meeting to determine the future of the Hares Corner Post Office facility. The meeting is scheduled for Jan. 19 from 7 to 9 p.m. at the New Castle School. This afternoon, Administrator Thomas, six businesspeople and the Mayor met with U.S. Sen. Chris Coons in the Library. They had a good discussion. Sen. Coons asked what he could do to help and he received a bunch of suggestions.

### **Unfinished Business**

1. Motion, Discussion and Vote on a Resolution concerning the riverfront revitalization proposal.

Councilperson Cochran made a motion to approve the resolution. Councilperson Gaworski seconded the motion.

President Barthel read the proposed resolution.

President Barthel pointed out what Council is being asked to approve: to allow the Planning Commission the ability to move forward with a study that Council approved by approving the Comprehensive Plan back in 2009. Council is being asked to let them provide answers to what the City can and cannot do in its own backyard or on the waterfront. It is 2012 and the City has no idea what it can do out there. It will provide answers to very good questions asked at the meeting: what will the maintenance and insurance costs be, how will they pay for it, whom will they partner with and what are the potential upsides for the City. The study will find one of three things: the preliminary study is the best they have, or they will reengineer and redesign it, or determine nothing can be done. It will also determine the impact. The City does not know what the impact will be until an impact study is done.

President Barthel said the City is not being asked to spend any additional money at this time on this study. Council also is not being asked to approve final plans. It is just like what Council did with DelDOT. Like with DelDOT, the tough vote comes after the study is done. He said he would like Council to think of this from a different perspective. Even if the City does not ultimately chose to pursue this project, Council will have provided answers to future generations as to what they have on the waterfront—that the City does not have today. He said he can't believe the five members of Council are so smug as to think they have all the answers for all time that nothing should be done on the waterfront. He said if Council does not act on this it will be doing a disservice to future generations.

Councilperson Cochran said he agreed with President Barthel and said this is just a study. It is Council's job to at least let them do the study.

Councilperson Petty said he listened to people saying no one knows what is going on except a small group. She said the City sends out a flier, and has for years, asking for volunteers to work on different committees. The City sends out a flier every month with

news that comes in the water and electric bill. It tells everyone exactly what is going on downtown. She said Mrs. Thomas misses hardly anything in that flier. Anyone who reads them knows what is going on around town. She asked those who don't read them to start. She lives outside the historic district and never has felt she was excluded.

Mrs. Petty said the Alliance has a better handle on some things because Council can't meet anytime its wants, and can't call people without getting approval. She said Council heard the question, "who would want to come and dock?" They found people who are interested. Now Council is accused of only letting those people speak. The river has always been here. Boats have gone up and down and it's never been this big danger. She sees no reason not to go forward with the study. Mrs. Petty added that it would give another way in and out of the City, via water. She said change is hard and change is confusing. It is not the first time. There was confusion with the Police Station and the Library.

Councilperson Megginson said that when this issue started he had a lot of questions. He was concerned about the funding, the maintenance, the insurance. So far they have not been answered. He feels that going forward with this next section, some of his questions will be answered. He supports proceeding with it and then everyone can make a decision.

Councilperson Gaworski said he feels the same way Councilperson Megginson feels. He said he grew up on the river. Going from ice breaker to ice breaker, and running up and down the dikes down at Bull Hill, and on boats. He would like to see other people enjoy the river like he did. He said it is part of history for the town. He also has a lot of questions.

The motion passed unanimously.

### **New Business**

#### **1. Comments from the floor.**

Paula Stockton asked questions about the water projects in the Buttonwood area. She said that there is some leveling that needs to be done to the ravine. The area had some work done previously on the stormwater project. The area is experiencing more water in the homes than they did previously. There is swamp that is growing. She asked that someone come out to look at it.

Mrs. Thomas said she would follow up on the matter.

Mr. Klingmeyer asked whether the economic study with the riverfront proposal will be done in-house or by an outside agency.

Mr. Bird said it would be contracted out. There will be a cost-benefit study.

State Sen. Dori Conner said she just came back from Dover, the start of the second leg of the session. She said she received a letter from Chip Patterson of MSC regarding Charter change proposal. They are communicating about that process.

Councilperson Petty made a motion to adjourn the regular meeting into an executive session to discuss a personal matter. Councilperson Cochran seconded the motion. It passed unanimously.

The meeting adjourned at 8 p.m.

Respectfully submitted,

Michael Dickinson  
New Castle City Clerk